

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARVEL CHARACTERS, INC.,  
Plaintiff and Counterclaim-Defendant,

v.

LAWRENCE D. LIEBER,  
Defendant and Counterclaimant.

Case No.: 1:21-cv-7955-LAK  
and consolidated cases  
21-cv-7957-LAK and 21-cv-7959-LAK

Hon. Lewis A. Kaplan

**DECLARATION OF MOLLY M.  
LENS IN SUPPORT OF MARVEL  
CHARACTERS, INC.'S MOTION  
FOR SUMMARY JUDGMENT**

MARVEL CHARACTERS, INC.,  
Plaintiff and Counterclaim-Defendant,

v.

KEITH A. DETTWILER, in his capacity as  
Executor of the Estate of Donald L. Heck,  
Defendant and Counterclaimant.

MARVEL CHARACTERS, INC.,  
Plaintiff and Counterclaim-Defendant,

v.

PATRICK S. DITKO, in his capacity as  
Administrator of the Estate of Stephen J.  
Ditko,  
Defendant and Counterclaimant.

I, Molly M. Lens, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner at O’Melveny & Myers LLP, counsel for plaintiff Marvel Characters, Inc. (“MCI”) in this action, and a member of the Bar of this Court. I submit this declaration in support of MCI’s motion for summary judgment based on my personal knowledge and review of the documents referenced herein. If called and sworn as a witness, I could and would testify competently thereto.

### SWORN TESTIMONY

2. Attached hereto as **Exhibit 1**<sup>1</sup> is a true and correct copy of excerpts from Defendant Patrick Ditko’s February 14, 2023 deposition transcript in this matter.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from Roy Thomas’s January 20, 2023 deposition transcript in this matter.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from Lawrence D. Lieber’s October 25, 2022 deposition transcript in this matter.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from Stan Lee’s March 14, 2013 deposition transcript in *Stan Lee Media, Inc. v. The Walt Disney Company*, No. 12-cv-02663 (D. Colo.) produced by MCI in this matter with the Bates numbers 2021MARVEL-0131405 – 2021MARVEL-0131482.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from Stan Lee’s March 13, 2013 deposition transcript in *Stan Lee Media, Inc. v. The Walt Disney Company*, No. 12-cv-02663 (D. Colo.), produced by MCI in this matter with the Bates numbers 2021MARVEL-0131319 – 2021MARVEL-0131404.

---

<sup>1</sup> For the Court’s convenience, MCI has—where helpful—highlighted the key portions of certain exhibits.

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from Stan Lee's May 4, 2011 deposition transcript in *Gary Friedrich Enterprises LLC v. Marvel Enterprises, Inc.*, No. 08-cv-01533 (S.D.N.Y.), produced by MCI in this matter with the Bates numbers 2021MARVEL-0130754 – 2021MARVEL-0130803.

8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from Roy Thomas's April 13, 2011 deposition transcript in *Gary Friedrich Enterprises LLC v. Marvel Enterprises, Inc.*, No. 08-cv-01533 (S.D.N.Y.), produced by MCI in this matter with the Bates numbers 2021MARVEL-0130513 – 2021MARVEL-0130753.

9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from Roy Thomas's April 12, 2011 deposition transcript in *Gary Friedrich Enterprises LLC v. Marvel Enterprises, Inc.*, No. 08-cv-01533 (S.D.N.Y.), produced by MCI in this matter with the Bates numbers 2021MARVEL-0041265 – 2021MARVEL-0041434.

10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from Lawrence Lieber's January 7, 2011 deposition transcript in *Marvel Worldwide, Inc. v. Lisa R. Kirby*, No. 10-cv-141 (S.D.N.Y.), produced by MCI in this matter with the Bates numbers 2021MARVEL-0130397 – 2021MARVEL-0130512.

11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from Stan Lee's December 8, 2010 deposition transcript in *Marvel Worldwide, Inc. v. Lisa R. Kirby*, No. 10-cv-141 (S.D.N.Y.), produced by MCI in this matter with the Bates numbers 2021MARVEL-0131062 – 2021MARVEL-0131318.

12. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts from Roy Thomas's October 27, 2010 deposition transcript in *Marvel Worldwide, Inc. v. Lisa R. Kirby*, No.

10-cv-141 (S.D.N.Y.), produced by MCI in this matter with the Bates numbers 2021MARVEL-0043321 – 2021MARVEL-0043361.

13. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from Roy Thomas's October 26, 2010 deposition transcript in *Marvel Worldwide, Inc. v. Lisa R. Kirby*, No. 10-cv-141 (S.D.N.Y.), produced by MCI in this matter with the Bates numbers 2021MARVEL-0131738 – 2021MARVEL-0131947.

14. Attached hereto as **Exhibit 13** is a true and correct copy of excerpts from Stan Lee's May 13, 2010 deposition transcript in *Marvel Worldwide, Inc. v. Lisa R. Kirby*, No. 10-cv-141 (S.D.N.Y.), produced by MCI in this matter with the Bates numbers 2021MARVEL-0130804 – 2021MARVEL-0130953.

15. Attached hereto as **Exhibit 14** is a true and correct copy of Stan Lee's June 11, 2007 affidavit from *Marvel Worldwide, Inc. v. Lisa R. Kirby*, No. 10-cv-141 (S.D.N.Y.), produced by MCI in this matter with the Bates numbers 2021MARVEL-0025446 – 2021MARVEL-0025460.

16. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts from Stan Lee's November 18, 2003 deposition transcript in *Stan Lee v. Marvel Enterprises, Inc.*, No. 02-cv-8945 (S.D.N.Y.), produced by MCI in this matter with the Bates numbers 2021MARVEL-0131483 – 2021MARVEL-0131737.

17. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from Roy Thomas's October 13, 1999 deposition transcript in *Marvel Entertainment Group, Inc. v. Marvin Wolfman*, No. 97-638 (D. Del), produced by MCI in this matter with the Bates numbers 2021MARVEL-0051131 – 2021MARVEL-0051166.

18. Attached hereto as **Exhibit 17** is a true and correct copy of excerpts from Albert E. Landau's November 19, 1974 deposition transcript in *Jay K. Hoffman Presentations, Inc. v. Marvel Comics Group*, No. 86972/74 (N.Y.C. Civ. Ct.), produced by MCI in discovery in this matter and identified by the Bates numbers 2021MARVEL-0068823 – 2021MARVEL-0068848.

19. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts from Martin Goodman's January 19, 1968 deposition transcript in *Joseph H. Simon v. Martin Goodman et al.* (N.Y. 1966), produced by MCI in discovery in this matter and identified by the Bates numbers 2021MARVEL-0068849 – 2021MARVEL-0068907.

#### **FILINGS AND DOCUMENTS PROVIDED DURING DISCOVERY**

20. Attached hereto as **Exhibit 19** is a true and correct copy of a redacted agreement between MCI and Gene Colan, dated May 31, 2008, produced by MCI in this matter with the Bates numbers 2021MARVEL-0022743 – 2021MARVEL-0022752. This agreement was designated confidential by MCI. However, to avoid the necessity of filing this document under seal, MCI has redacted only the settlement amount, which is unrelated to issues presently before the Court. MCI would be happy to submit the unredacted agreement under seal if so requested by the Court.

21. Attached hereto as **Exhibit 20** is a true and correct copy of a letter from Gene Colan to Marvel, dated April 28, 2008, produced by MCI in this matter with the Bates numbers 2021MARVEL-0022840 – 2021MARVEL-0022841.

22. Attached hereto as **Exhibit 21** is a true and correct copy of an agreement between Roy Thomas and Marvel Comics Group, dated September 1, 1974, produced by MCI in this matter with the Bates numbers 2021MARVEL-0088673 – 2021MARVEL-0088680.

23. Attached hereto as **Exhibit 22** is a true and correct copy of an agreement between Cadence Industries Corporation and Stan Lee, dated January 19, 1972, produced by MCI in this matter with the Bates numbers 2021MARVEL-0032010 – 2021MARVEL-0032013.

24. Attached hereto as **Exhibit 23** is a composite of true and correct copies of agreements between Marvel and various freelancers, including Steve Ditko, dated between 1978 and 1985, produced by MCI in this matter with the Bates numbers 2021MARVEL-0033453, 2021MARVEL-0017391 – 2021MARVEL-0017620, and 2021MARVEL-0017904 – 2021MARVEL-0018062.

25. Attached hereto as **Exhibit 24** is a composite of true and correct copies of the copyright registrations and renewals for the Works produced by MCI in this matter with assorted Bates numbers between 2021MARVEL-0005841 and 2021MARVEL-0006710, between 2021MARVEL-0070280, and between 2021MARVEL-0070307; and 2021MARVEL-0125756 and 2021MARVEL-0125759.

26. Attached hereto as **Exhibit 25** is a true and correct copy of excerpts from a document entitled “The Steve Ditko Checklist” in *Ditko Looked Up* (July 5, 2000), produced by MCI in this matter with the Bates numbers 2021MARVEL-0033460 – 2021MARVEL-0033492.

27. Attached hereto as **Exhibit 26** is a true and correct copy of excerpts from *Amazing Adventures* Vol. 1, No. 1 (June 1961), produced by MCI in this matter with the Bates numbers 2021MARVEL-0126023 – 2021MARVEL-0126048.

28. Attached hereto as **Exhibit 27** is a true and correct copy of a letter from Stan Lee to Jerry Bails, dated January 9, 1963, produced by Defendant Patrick Ditko in this matter with the Bates number DITKO-0008.

29. Attached hereto as **Exhibit 28** is a true and correct copy of *Amazing Fantasy* Vol. 1, No. 15 (August 1962), produced by MCI in this matter with the Bates numbers 2021MARVEL-0127112 – 2021MARVEL-0127130.

30. Attached hereto as **Exhibit 29** is a true and correct copy of artwork for *Amazing Fantasy* Vol. 1, No. 15, from the Library of Congress, produced by MCI in this matter with the Bates numbers 2021MARVEL-0009176 – 2021MARVEL-0009186.

31. Attached hereto as **Exhibit 30** is a true and correct copy of artwork published in *Marvel Masterworks: The Amazing Spider-Man*, Vol. 1 (2009), produced by MCI in this matter with the Bates number 2021MARVEL-0074816.

32. Attached hereto as **Exhibit 31** is a composite of true and correct copies of excerpts of the Works, produced by MCI in this matter with assorted Bates numbers between 2021MARVEL-0000157 and 2021MARVEL-0000462 and between 2021MARVEL-0127112 and 2021MARVEL-0129877.<sup>2</sup>

33. Attached hereto as **Exhibit 32** is a true and correct copy of excerpts from *Strange Tales* Vol. 1, No. 123 (August 1964), produced by MCI in this matter with the Bates numbers 2021MARVEL-0003617 – 2021MARVEL-0003626.

34. Attached hereto as **Exhibit 33** is a true and correct copy of *Strange Tales* Vol. 1, No. 110 (July 1963), produced by MCI in this matter with the Bates numbers 2021MARVEL-0003514 – 2021MARVEL-0003519.

---

<sup>2</sup> MCI submitted identifying excerpts of the Works, rather than complete copies, but is happy to provide complete copies at the Court's request.

35. Attached hereto as **Exhibit 34** is a true and correct copy of *Strange Tales* Vol.1, No. 115 (December 1963), produced by MCI in this matter with the Bates numbers 2021MARVEL-0003542 – 2021MARVEL-0003550.

36. Attached hereto as **Exhibit 35** is a true and correct copy of excerpts from *Marvel Masterworks: Avengers*, Vol. 4 (2012), produced by MCI in this matter with the Bates numbers 2021MARVEL-0125769 – 2021MARVEL-0125990.

37. Attached hereto as **Exhibit 36** is a true and correct copy of an introduction to *Marvel Masterworks: Marvel Rarities*, Vol. 1 (2014), produced by MCI in this matter with the Bates numbers 2021MARVEL-0073592 – 2021MARVEL-0073596.

38. Attached hereto as **Exhibit 37** is a true and correct copy of excerpts from *75 Years of Marvel* (December 2014), published by Taschen and produced by MCI in this matter with the Bates numbers 2021MARVEL-0075642 – 2021MARVEL-0075763.

39. Attached hereto as **Exhibit 38** is a true and correct copy of an interview entitled “Stan Made Up the Plot . . . And I’d Write the Script!,” published in *Alter Ego* No. 2 (Autumn 1999), produced by MCI in this matter with the Bates numbers 2021MARVEL-0027468 – 2021MARVEL-0027481.

40. Attached hereto as **Exhibit 39** is a true and correct copy of excerpts from an interview entitled “Fifty Years on the ‘A’ List: A Candid Conversation with John Romita,” published in *Alter Ego* No. 9 (July 2001), produced by MCI in this matter with the Bates numbers 2021MARVEL-0079978 – 2021MARVEL-0080017.

41. Attached hereto as **Exhibit 40** is a true and correct copy of excerpts from a document entitled “And Men Shall Call Him . . . PROTOTYPE! – Part II: Of Mystics, Mighty



Men, and Immortals,” published in *Alter Ego* No. 31 (December 2003), produced by MCI in this matter with the Bates numbers 2021MARVEL-0074178 – 2021MARVEL-0074207.

42. Attached hereto as **Exhibit 41** is a true and correct copy of excerpts from an interview entitled “Stan Lee’s Amazing Marvel Interview,” published in *Alter Ego* No. 104 (August 2011), produced by MCI in this matter with the Bates numbers 2021MARVEL-0071404 – 2021MARVEL-0071450.

43. Attached hereto as **Exhibit 42** is a true and correct copy of excerpts from a document entitled “The Secret Kirby Origin on Iron Man,” published in *Alter Ego* No. 170 (July 2021), produced by MCI in this matter with the Bates numbers 2021MARVEL-0074241 – 2021MARVEL-0074249.

44. Attached hereto as **Exhibit 43** is a true and correct copy of excerpts from an interview entitled “Gold and Silver Memories,” published in *Write Now!* No. 18 (Summer 2008), produced by MCI in this matter with the Bates numbers 2021MARVEL-0073293 – 2021MARVEL-0073294.

45. Attached hereto as **Exhibit 44** is a true and correct copy of an interview entitled “The Spider’s Man: The Life Story of Steve Ditko,” published in *Komik Heroes of the Future* #6 (1964) and reprinted in *Steve Ditko in the 1960s* (J. Ballmann ed., 2020), produced by Defendant Patrick Ditko in this matter with the Bates numbers DITKO-0040 – DITKO-0041.

46. Attached hereto as **Exhibit 45** is a true and correct copy of an interview entitled “Steve Ditko: A Portrait of the Master,” published in *Comic Fan* #2 (1965) and reprinted in *Steve Ditko in the 1960s* (J. Ballmann ed., 2020), produced by Defendant Patrick Ditko in this matter with the Bates numbers DITKO-0045 – DITKO-0046.

47. Attached hereto as **Exhibit 46** is a true and correct copy of a document entitled “Tsk! Tsk!” comic (1999), produced by Defendant Patrick Ditko in this matter with the Bates numbers DITKO-0235 – DITKO-0237.

48. Attached hereto as **Exhibit 47** is a true and correct copy of a document entitled “Tsk! Tsk!: Examining a ‘Creator’ / ‘Creation’ Claim” (2002), produced by MCI in this matter with the Bates number 2021MARVEL-0033527.

49. Attached hereto as **Exhibit 48** is a true and correct copy of a document entitled “An Insider’s Part of Comics History: Jack Kirby’s Spider-Man,” published in *Robin Snyder’s History of Comics*, Vol. 1 No. 5 (May 1990), produced by Defendant Patrick Ditko in this matter with the Bates numbers DITKO-0183 – DITKO-0188.

50. Attached hereto as **Exhibit 49** is a true and correct copy of an undated letter from Steve Ditko to David Currie produced by David Currie (represented by the same counsel of record as Defendant Patrick Ditko) in this matter with the Bates numbers CURRIE-0064 – CURRIE-0066.

51. Attached hereto as **Exhibit 50** is a true and correct copy of a letter from Steve Ditko to David Currie, dated December 21, 2013, produced by David Currie (represented by the same counsel of record as Defendant Patrick Ditko) in this matter with the Bates numbers CURRIE-0069 – CURRIE-0071.

52. Attached hereto as **Exhibit 51** is a true and correct copy of a letter from Steve Ditko to David Currie, dated February 2, 2014, produced by David Currie (represented by the same counsel of record as Defendant Patrick Ditko) in this matter with the Bates numbers CURRIE-0072 – CURRIE-0074.

53. Attached hereto as **Exhibit 52** is a true and correct copy of a letter from Steve Ditko to David Currie, dated February 21, 2016, produced by David Currie (represented by the same counsel of record as Defendant Patrick Ditko) in this matter with the Bates numbers CURRIE-0075 – CURRIE-0077.

54. Attached hereto as **Exhibit 53** is a true and correct copy of an undated letter from Steve Ditko to David Currie produced by David Currie (represented by the same counsel of record as Defendant Patrick Ditko) in this matter with the Bates numbers CURRIE-0078 – CURRIE-0081.

55. Attached hereto as **Exhibit 54** is a true and correct copy of a letter from Steve Ditko to David Currie, dated July 12, 2015, produced by David Currie (represented by the same counsel of record as Defendant Patrick Ditko) in this matter with the Bates numbers CURRIE-0089 – CURRIE-0092.

56. Attached hereto as **Exhibit 55** is a true and correct copy of a letter from Steve Ditko to David Currie, dated June 19, 2016, produced by David Currie (represented by the same counsel of record as Defendant Patrick Ditko) in this matter with the Bates numbers CURRIE-0093 – CURRIE-0097.

57. Attached hereto as **Exhibit 56** is a true and correct copy of a letter from Steve Ditko to David Currie, dated June 14, 2014, produced by David Currie (represented by the same counsel of record as Defendant Patrick Ditko) in this matter with the Bates numbers CURRIE-0098 – CURRIE-0100.

58. Attached hereto as **Exhibit 57** is a true and correct copy of a letter from Steve Ditko to David Currie, dated March 29, 2015, produced by David Currie (represented by the same

counsel of record as Defendant Patrick Ditko) in this matter with the Bates numbers CURRIE-0101 – CURRIE-0106.

59. Attached hereto as **Exhibit 58** is a true and correct copy of a letter from Steve Ditko to David Currie, dated November 3, 2015, produced by David Currie (represented by the same counsel of record as Defendant Patrick Ditko) in this matter with the Bates numbers CURRIE-0115 – CURRIE-0116.

60. Attached hereto as **Exhibit 59** is a true and correct copy of a letter from Steve Ditko to David Currie, dated November 8, 2014, produced by David Currie (represented by the same counsel of record as Defendant Patrick Ditko) in this matter with the Bates numbers CURRIE-0117 – CURRIE-0119.

61. Attached hereto as **Exhibit 60** is a true and correct copy of a letter from Steve Ditko to David Currie, dated September 6, 2014, produced by David Currie (represented by the same counsel of record as Defendant Patrick Ditko) in this matter with the Bates numbers CURRIE-0120 – CURRIE-0123.

62. Attached hereto as **Exhibit 61** is a composite of true and correct copies of letters by Steve Ditko dated September 17, 2017, January 25, 2014, and May 13, 2013, marked as Exhibit 126 at Defendant Patrick Ditko's February 14, 2023 deposition in this case.

63. Attached hereto as **Exhibit 62** is a true and correct copy of Defendant Patrick Ditko's Answer and Counterclaim, dated December 7, 2021.

64. Attached hereto as **Exhibit 63** is a true and correct copy of Defendant Patrick Ditko's self-entitled termination notices, attached as Exhibit A to Defendant's Answer and Counterclaim, Dkt. No. 24-1, dated December 7, 2021.

65. Attached hereto as **Exhibit 64** is a true and correct copy of Defendant Patrick Ditko's Supplemental Responses and Objections to Plaintiff's Third Set of Interrogatories to Patrick Ditko, dated February 13, 2023.

66. Attached hereto as **Exhibit 65** is a true and correct copy of a September 20, 2022 letter from myself to Marc Toberoff.

67. Attached hereto as **Exhibit 66** is a true and correct copy of Defendant Patrick Ditko's Petition for Letters of Administration, dated July 23, 2018, produced by MCI in this matter with the Bates numbers 2021MARVEL-0070645 – 2021MARVEL-0070649.

68. Attached hereto as **Exhibit 67** is a true and correct copy of a New York Surrogate's Court Decree Granting Letters of Administration to Defendant Patrick Ditko, dated August 22, 2018, produced by MCI in this matter and identified by the Bates number 2021MARVEL-0070650.

69. Attached hereto as **Exhibit 68** is a true and correct copy of a notebook titled "Donald L. Heck Account Book for Earnings" produced by Defendant Keith A. Dettwiler (represented by the same counsel of record as Defendant Patrick Ditko) in this matter with the Bates numbers DETTWILER-0014 – DETTWILER-0127.

70. Attached hereto as **Exhibit 69** is a true and correct copy of a document entitled "Synopsis: The Fantastic Four [—] July '61 Schedule (#1)" produced by MCI in this matter and identified by Bates numbers 2021MARVEL-0023907 – 2021MARVEL-0023908.

71. Attached hereto as **Exhibit 70** is a composite of true and correct copies of documents entitled "Avengers Plot," "The Avengers vs. Sub-Mariner (#40)," and "Avengers vs. Super-Adaptoid," produced by MCI in this matter and identified by Bates numbers

2021MARVEL-0071572 – 2021MARVEL-0071578; 2021MARVEL-0071592 – 2021MARVEL-0071594.

72. Attached hereto as **Exhibit 71** is a true and correct copy of excerpts from an interview of Stan Lee on WATL-TV Atlanta, time-stamped 3:25 – 6:09; 20:17 – 23:23, produced by MCI in this matter and identified by Bates number 2021MARVEL-0126136.

73. Attached hereto as **Exhibit 72** is a true and correct copy of excerpts from “Steve Ditko and Memories of Another Day,” published in *Steve Ditko in the 1960s* (J. Ballmann ed., 2020), produced by Defendant Patrick Ditko in this matter with the Bates numbers DITKO-0020, DITKO-0023.

74. Attached hereto as **Exhibit 73** is a true and correct copy of an interview entitled “Spotlight on the Pros: Number 5; This Issue: Steve Ditko,” published in *The Rocket Blast / Rocket’s Blast Comicollector* #31 (June 1964) and reprinted in *Steve Ditko in the 1960s* (J. Ballmann ed., 2020), produced by Defendant Patrick Ditko in this matter with the Bates number DITKO-0019.

75. Attached hereto as **Exhibit 74** is a true and correct copy of an agreement between Cadence Industries Corporation and Stan Lee, dated April 9, 1976, produced by MCI in this matter with the Bates numbers 2021MARVEL-0024197 – 2021MARVEL-0024199.

76. Attached hereto as **Exhibit 75** is a true and correct copy of a Certificate of Conducting Business Under Assumed Name “Marvel,” dated March 8, 1967, produced by MCI in this matter with the Bates numbers 2021MARVEL-0069149 – 2021MARVEL-0069155.

77. Attached hereto as **Exhibit 76** is a true and correct copy of a Certificate of Conducting Business Under Assumed Name “Marvel Comics Group,” dated March 8, 1967,

produced by MCI in this matter with the Bates numbers 2021MARVEL-0039754 – 2021MARVEL-0039761.

78. Attached hereto as **Exhibit 77** is a true and correct copy of Lisa R. Kirby, Barbara J. Kirby, Neal L. Kirby, and Susan M. Kirby’s self-entitled “Notice of Termination of Transfer Covering Extended Renewal Term [–] “SPIDERMAN,” dated September 15, 2009, produced by MCI in this matter with the Bates numbers 2021MARVEL-0072215 – 2021MARVEL-0072229.

79. Attached hereto as **Exhibit 78** is a true and correct copy of MCI’s Complaint, dated September 24, 2021.

80. Attached hereto as **Exhibit 79** is a true and correct copy of excerpts of an interview entitled “An interview with DON HECK,” published in Comics Feature No. 21 (November 1982), produced by MCI in this matter with the Bates numbers 2021MARVEL-0070310 – 2021MARVEL-0070322.

81. Attached hereto as **Exhibit 80** is a composite of true and correct copies of excerpts of stories in *Strange Tales* Vol. 1, Nos. 102-109, produced by MCI in this matter with assorted Bates numbers between 2021MARVEL-0003390 and 2021MARVEL-0003513 and between 2021MARVEL-0130201 and 2021MARVEL-0130206.

\* \* \*

I declare under penalty of perjury that the foregoing is true and correct, and was executed on May 19, 2023 in Los Angeles, CA.

By:  \_\_\_\_\_

Molly M. Lens